

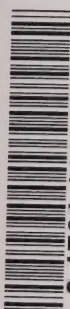
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38th Parl.  
1st Sess

June - Nov.  
2005

Canada. Parliament. House of Commons.  
Subcommittee on the Process for  
Appointment to the Federal Judiciary

Minutes of the Proceedings



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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Richard Marceau, BQ.

**Meeting No. 1**

**Tuesday, June 21, 2005**

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**IN CAMERA**







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Français

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## MINUTES OF PROCEEDINGS

Meeting No. 1

Tuesday, June 21, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 3:40 p.m. this day, in Room 208 West Block, the Chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Hon. Paul Harold Macklin, Richard Marceau, David J. McGuinty, Serge Ménard, Rob Moore and Vic Toews.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Philip Rosen, Principal.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee commenced consideration of the study on the process for appointment to the Federal Judiciary.

The Clerk of the Subcommittee presided over the election of the Vice-Chairs.

It was agreed, — That David McGuinty be elected as Government Vice-Chair of the Subcommittee.

It was agreed, — That Vic Toews be elected as Opposition Vice-Chair of the Subcommittee.

The Subcommittee proceeded with the study of routine motions.

It was agreed, — That the Subcommittee retain the services of one or more analysts from the Library of Parliament, as needed, to assist the Subcommittee in its work, at the discretion of the Chair.

It was agreed, — That the Clerk of the Subcommittee be authorized to distribute to the members of the Subcommittee documents only when they exist in both official languages and that no document from a witness be distributed without the Clerk's approval.

It was agreed, — That the Chair be authorized to hold meetings to receive and publish evidence when a quorum is not present provided that at least three (3) members are present, including a member of the opposition.

It was agreed, — That witnesses be given ten (10) minutes for their opening statement and that, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes to the questioner of each party, starting with the opposition parties.

It was agreed, — That, if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses not exceeding one (1) representative per organization and that, in exceptional circumstances, payment for more representatives be at the discretion of the Chair.

It was agreed, — That the Clerk of the Subcommittee be authorized to make the necessary arrangements to provide for working meals for the Subcommittee.

It was agreed, — That one (1) copy of the transcript of all *in camera* meetings be kept in the Subcommittee Clerk's office for consultation by members of the Subcommittee.



It was agreed, — That, unless otherwise ordered, each Subcommittee member be allowed to have one staff person present at *in camera* meetings.

It was agreed, — That, except for amendments to bills, a forty-eight (48) hours' notice be given before any substantive motion is considered by the Subcommittee and that the motion be filed with the Clerk of the Subcommittee and circulated to members in both official languages.

It was agreed, — That the Subcommittee meet every Monday and Tuesday from 3:30 p.m. to 5:30 p.m..

At 4:05 p.m., the Subcommittee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Subcommittee

2005/06/22 2:28 p.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Richard Marceau. BQ

**Meeting No. 2**

**Monday, October 3, 2005**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

The Subcommittee proceeded to the consideration of matters related to Subcommittee business.

**MEMBERS OF THE SUBCOMMITTEE PRESENT:**

Joe Comartin,  
Hon. Paul Harold Macklin,  
Richard Marceau,  
David J. McGuinty,  
Rob Moore  
and Vic Toews.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Serge Ménard,  
and Mark Warawa for Rob Moore.



**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst.

**WITNESSES:**

*Office of the Commissioner for Federal Judicial Affairs:*

David Gourdeau, Commissioner for Federal Judicial Affairs;

Margaret-Rose Jamieson, Executive Director, Judicial  
Appointments and Legal Counsel.

*Department of Justice:*

Judith Bellis, General Counsel, Courts and Tribunal Policy;

Richard Ellis, Counsel, Judicial Affairs, Courts and Tribunal  
Policy;

Catherine McKinnon, Counsel, Judicial Affairs, Courts and  
Tribunal Policy.

David Gourdeau made a statement and, with the other witness from the Office of the Commissioner for Federal Judicial Affairs, answered questions.

Judith Bellis made a statement and, with the other witnesses from the Department of Justice, answered questions.

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Diane Diotte, Louise Hayes  
Clerks of the Subcommittee



Français

[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 2

Monday, October 3, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:32 p.m. this day, in Room 209, West Block, the Chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Hon. Paul Harold Macklin, Richard Marceau, David J. McGuinty, Rob Moore and Vic Toews.

*Acting Members present:* Marc Lemay for Serge Ménard and Mark Warawa for Rob Moore.

*In attendance: Library of Parliament:* Robin MacKay, Analyst.

*Witnesses: Office of the Commissioner for Federal Judicial Affairs:* David Gourdeau, Commissioner for Federal Judicial Affairs; Margaret-Rose Jamieson, Executive Director, Judicial Appointments and Legal Counsel. *Department of Justice:* Judith Bellis, General Counsel, Courts and Tribunal Policy; Richard Ellis, Counsel, Judicial Affairs, Courts and Tribunal Policy; Catherine McKinnon, Counsel, Judicial Affairs, Courts and Tribunal Policy.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

David Gourdeau made a statement and, with the other witness from the Office of the Commissioner for Federal Judicial Affairs, answered questions.

Judith Bellis made a statement and, with the other witnesses from the Department of Justice, answered questions.

At 5:13 p.m., the sitting was suspended.

At 5:15 p.m., the sitting resumed.

The Subcommittee proceeded to the consideration of matters related to Subcommittee business.

It was agreed, — That the proposed budget in the amount of \$ 38,950 be adopted and that the Chair present the said budget to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

At 5:21 p.m., the Subcommittee adjourned to the call of the Chair.

Diane Diotte, Louise Hayes  
Clerks of the Subcommittee

2005/10/04 2:48 p.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

The Chair: Richard Marceau. Lib.

**Meeting No. 3**

**Monday, October 24, 2005**

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**ORDER OF THE DAY:**

The Clerk of the Subcommittee presided over the election of a Chair.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

**MEMBERS OF THE SUBCOMMITTEE PRESENT:**

Joe Comartin,  
Marc Lemay,  
Hon. Paul Harold Macklin,  
Richard Marceau,  
David J. McGuinty,  
Rob Moore  
and Vic Toews.

**ACTING MEMBERS PRESENT:**

Mark Warawa for Rob Moore.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst.

**WITNESSES:**

*Canadian Council of Criminal Defence Lawyers:*  
William M. Trudell, Chair.

*As an Individual:*  
Peter McCormick, Professor, Chair, Department of Political  
Science, University of Lethbridge.

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Diane Diotte, Louise Hayes  
Clerks of the Subcommittee





## MINUTES OF PROCEEDINGS

Meeting No. 3

Monday, October 24, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:34 p.m. this day, in Room 209, West Block, for the purpose of electing a Chair, pursuant to a motion adopted by the Standing Committee on Justice on June 16, 2005.

*Members of the Subcommittee present:* Joe Comartin, Marc Lemay, Hon. Paul Harold Macklin, Richard Marceau, David J. McGuinty, Rob Moore and Vic Toews.

*Acting Members present:* Mark Warawa for Rob Moore.

*In attendance: Library of Parliament:* Robin MacKay, Analyst.

*Witnesses: Canadian Council of Criminal Defence Lawyers:* William M. Trudell, Chair. *As an Individual:* Peter McCormick, Professor, Chair, Department of Political Science, University of Lethbridge.

The Clerk of the Subcommittee presided over the election of a Chair.

On motion of Marc Lemay, it was agreed, — That Richard Marceau be elected Chair of the Subcommittee.

The Clerk of the Subcommittee presided over the election of the Vice-Chairs.

On motion of Rob Moore, it was agreed, — That Vic Toews be elected as first Vice-Chair of the Subcommittee.

On motion of Paul Harold Macklin, it was agreed, — That David McGuinty be elected as second Vice-Chair of the Subcommittee.

Richard Marceau took the Chair.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

William M. Trudell and Peter McCormick made statements and answered questions.

At 5:25 p.m., the Subcommittee adjourned to the call of the Chair.

Diane Diotte, Louise Hayes  
Clerks of the Subcommittee

2005/10/28 10:30 a.m.

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**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Richard Marceau, BQ

**Meeting No. 4**

**Tuesday, October 25, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

**MEMBERS OF THE SUBCOMMITTEE PRESENT:**

Joe Comartin,  
Marc Lemay,  
Hon. Paul Harold Macklin,  
Richard Marceau,  
Rob Moore  
and Vic Toews.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst.

**APPEARING:**

Hon. Irwin Cotler, Minister of Justice.

**WITNESSES:**

*Office of the Minister of Justice:*

François Giroux, Judicial Affairs Advisor.

Minister Cotler made a statement and, with François Giroux, answered questions.

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Diane Diotte, Louise Hayes  
Clerks of the Subcommittee





## MINUTES OF PROCEEDINGS

Meeting No. 4

Tuesday, October 25, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:10 a.m. this day, in Room 705, La Promenade Building, the Chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Marc Lemay, Hon. Paul Harold Macklin, Richard Marceau, Rob Moore and Vic Toews.

*In attendance: Library of Parliament:* Robin MacKay, Analyst.

*Appearing:* Hon. Irwin Cotler, Minister of Justice.

*Witnesses: Office of the Minister of Justice:* François Giroux, Judicial Affairs Advisor.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

Minister Cotler made a statement and, with François Giroux, answered questions.

At 10:27 a.m., the Subcommittee adjourned to the call of the Chair.

Diane Diotte, Louise Hayes  
Clerks of the Subcommittee

2005/10/31 12:53 p.m.

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**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Richard Marceau, BQ

**Meeting No. 5**

**Tuesday, October 25, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

**MEMBERS OF THE SUBCOMMITTEE PRESENT:**

Joe Comartin  
Marc Lemay  
Hon. Paul Harold Macklin  
Richard Marceau  
David J. McGuinty  
Rob Moore

**ACTING MEMBER PRESENT:**

Mark Warawa for Vic Toews

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst







## MINUTES OF PROCEEDINGS

Meeting No. 5

Tuesday, October 25, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:31 p.m. this day, in Room 209, West Block, the Chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Marc Lemay, Hon. Paul Harold Macklin, Richard Marceau, David J. McGuinty and Rob Moore.

*Acting Members present:* Mark Warawa for Vic Toews.

*In attendance: Library of Parliament:* Robin MacKay, Analyst.

*Witnesses: As Individuals:* Allan C. Hutchinson, Professor, Osgoode Hall Law School, York University; Jacob S. Ziegel, Professor Emeritus of Law, University of Toronto. *Criminal Lawyers Association:* Joseph Di Luca, Director. *The Advocates' Society:* Linda Rothstein, President; Paul Monahan, Vice-Chair, Task Force, Judicial Appointments.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

Allan Hutchinson, Jacob Ziegel and Joseph Di Luca made statements and answered questions.

Linda Rothstein made a statement and, with Paul Monahan, answered questions.

At 5:30 p.m., the sitting was suspended.

At 5:31 p.m., the sitting resumed *in camera*.

The Committee proceeded to discuss matters related to its business.

At 5:32 p.m., the Subcommittee adjourned to the call of the Chair.

Diane Diotte, Louise Hayes  
Clerks of the Subcommittee

2005/10/31 12:56 p.m.

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**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Richard Marceau, BQ.

**Meeting No. 6**

**Monday, October 31, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

**MEMBERS OF THE SUBCOMMITTEE PRESENT:**

Joe Comartin  
Marc Lemay  
Hon. Paul Harold Macklin  
Richard Marceau  
David J. McGuinty  
Vic Toews

**ACTING MEMBERS PRESENT:**

Garry Breitkreuz for Rob Moore  
Mark Warawa for Rob Moore

**OTHER MEMBER PRESENT:**

Hon. Ed Broadbent







## MINUTES OF PROCEEDINGS

Meeting No. 6

Monday, October 31, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:37 p.m. this day, in Room 209, West Block, the Chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Marc Lemay, Hon. Paul Harold Macklin, Richard Marceau, David J. McGuinty and Vic Toews.

*Acting Members present:* Garry Breitkreuz for Rob Moore and Mark Warawa for Rob Moore.

*Other Members present:* Hon. Ed Broadbent.

*In attendance: Library of Parliament:* Robin MacKay, Analyst.

*Witnesses: As Individuals:* Pierre Michaud, Former Chief Justice in Quebec; Mary Eberts, Lawyer; Peter Russell, Professor, Political Science, University of Toronto.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

Pierre Michaud made a statement and answered questions.

At 4:23 p.m., the sitting was suspended.

At 4:26 p.m., the sitting resumed.

Mary Eberts and Peter Russell made statements and answered questions.

At 5:32 p.m., the Subcommittee adjourned to the call of the Chair.

Louise Hayes  
Clerk of the Subcommittee

2005/11/01 1:32 p.m.

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**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst

**WITNESSES:**

*As Individuals:*

Pierre Michaud, Former Chief Justice in Quebec

Mary Eberts, Lawyer

Peter Russell, Professor, Political Science, University of Toronto

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Louise Hayes  
Clerk of the Subcommittee



**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Richard Marceau, BQ.

**Meeting No. 7**

**Tuesday, November 1, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

**MEMBERS OF THE SUBCOMMITTEE PRESENT:**

Joe Comartin,  
Marc Lemay,  
Hon. Paul Harold Macklin,  
Richard Marceau,  
David J. McGuinty  
and Rob Moore.

**ACTING MEMBERS PRESENT:**

Mark Warawa for Vic Toews.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst.



**WITNESSES:**

*As an Individual:*

Carl Baar, Professor.

*Canadian Bar Association:*

Brian A. Tabor, President;

Tamra L. Thomson, Director, Legislation and Law Reform.

Brian Tabor made a statement and, with Tamra Thomson, answered questions.

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Louise Hayes  
Clerk of the Subcommittee



## MINUTES OF PROCEEDINGS

Meeting No. 7

Tuesday, November 1, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:32 p.m. this day, in Room 209, West Block, the Chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Marc Lemay, Hon. Paul Harold Macklin, Richard Marceau, David J. McGuinty and Rob Moore.

*Acting Members present:* Mark Warawa for Vic Toews.

*In attendance: Library of Parliament:* Robin MacKay, Analyst.

*Witnesses: As an Individual:* Carl Baar, Professor. *Canadian Bar Association:* Brian A. Tabor, President; Tamra L. Thomson, Director, Legislation and Law Reform.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

Brian Tabor made a statement and, with Tamra Thomson, answered questions.

Carl Baar made a statement and answered questions.

At 5:00 p.m., the sitting was suspended.

At 5:02 p.m., the sitting resumed *in camera*.

The Committee proceeded to discuss matters related to its business.

At 5:15 p.m., the Subcommittee adjourned to the call of the Chair.

Louise Hayes  
Clerk of the Subcommittee

2005/11/02 11:43 a.m.

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**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Richard Marceau, BQ

**Meeting No. 8**

**Monday, November 14, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

**MEMBERS OF THE SUBCOMMITTEE PRESENT:**

Joe Comartin,  
Marc Lemay,  
Richard Marceau,  
David J. McGuinty  
and Rob Moore.

**ACTING MEMBER PRESENT:**

Mark Warawa for Vic Toews.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst.

**WITNESSES:**

*Office of the Commissioner of Official Languages:*

Dyane Adam, Commissioner of Official Languages;

Johane Tremblay, Director, Legal Affairs Branch.

Dyane Adam made a statement and, with Johane Tremblay, answered questions.

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Louise Hayes  
Clerk of the Subcommittee

## MINUTES OF PROCEEDINGS

Meeting No. 8

Monday, November 14, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:35 p.m. this day, in Room 705, La Promenade Building, the Chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Marc Lemay, Richard Marceau, David J. McGuinty and Rob Moore.

*Acting Members present:* Mark Warawa for Vic Toews.

*In attendance: Library of Parliament:* Robin MacKay, Analyst.

*Witnesses: Office of the Commissioner of Official Languages:* Dyane Adam, Commissioner of Official Languages; Johane Tremblay, Director, Legal Affairs Branch.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

Dyane Adam made a statement and, with Johane Tremblay, answered questions.

At 4:34 p.m., the Subcommittee adjourned to the call of the Chair.

Louise Hayes  
Clerk of the Subcommittee

2005/11/15 9:46 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair : Richard Marceau, BQ

**Meeting No. 9**

**Tuesday, November 15, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

**MEMBERS OF THE SUBCOMMITTEE PRESENT:**

Joe Comartin,  
Marc Lemay,  
Hon. Paul Harold Macklin,  
Richard Marceau,  
Rob Moore  
and Vic Toews.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst.

**WITNESSES:**

*As Individuals:*  
The Hon. Constance Glube, Former Chief Justice of Nova Scotia;  
Patrick Monahan, Dean, Osgoode Hall Law School, York  
University.

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Louise Hayes  
Clerk of the Subcommittee



## MINUTES OF PROCEEDINGS

Meeting No. 9

Tuesday, November 15, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:30 p.m. this day, in Room 269, West Block, the Chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Marc Lemay, Hon. Paul Harold Macklin, Richard Marceau, Rob Moore and Vic Toews.

*In attendance: Library of Parliament:* Robin MacKay, Analyst.

*Witnesses: As Individuals:* The Hon. Constance Glube, Former Chief Justice of Nova Scotia; Patrick Monahan, Dean, Osgoode Hall Law School, York University.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

Constance Glube made a statement and answered questions.

At 4:25 p.m., the sitting was suspended.

At 4:26 p.m., the sitting resumed.

Patrick Monahan made a statement and answered questions.

At 4:44 p.m., Vic Toews took the Chair.

At 4:51 p.m., Richard Marceau took the Chair.

It was agreed, — That drafting instructions to staff for the report be given on November 22, 2005.

At 5:18 p.m., the Subcommittee adjourned to the call of the Chair.

Louise Hayes  
Clerk of the Subcommittee

2005/11/16 2:30 p.m.

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**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Richard Marceau, BQ.

**Meeting No. 10**

**Monday, November 21, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

**MEMBERS OF THE SUBCOMMITTEE PRESENT:**

Joe Comartin  
Marc Lemay  
Richard Marceau  
David J. McGuinty  
Rob Moore

**ACTING MEMBER PRESENT:**

Garry Breitkreuz for Vic Toews

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst

**WITNESS:**

*As an Individual:*

Itzhak (Isaac) Zamir, Former Justice of the Supreme Court of  
Israel, Former Attorney General of Israel

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Louise Hayes  
Clerk of the Subcommittee



## MINUTES OF PROCEEDINGS

Meeting No. 10

Monday, November 21, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met by teleconference at 3:36 p.m. this day, in Room 269 West Block, the Chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Marc Lemay, Richard Marceau, David J. McGuinty and Rob Moore.

*Acting Members present:* Garry Breitkreuz for Vic Toews.

*In attendance: Library of Parliament:* Robin MacKay, Analyst.

*Witnesses: As an Individual:* Itzhak (Isaac) Zamir, Former Justice of the Supreme Court of Israel, Former Attorney General of Israel.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

Itzhak Zamir made a statement and answered questions.

At 4:31 p.m., the Subcommittee adjourned to the call of the Chair.

Louise Hayes  
Clerk of the Subcommittee

2005/11/21 5:04 p.m.

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**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Richard Marceau, BQ.

**Meeting No. 11**

**Tuesday, November 22, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

**MEMBERS OF THE SUBCOMMITTEE PRESENT:**

Joe Comartin  
Marc Lemay  
Hon. Paul Harold Macklin  
Richard Marceau  
David J. McGuinty  
Rob Moore

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst

**WITNESS:**

*As an Individual:*

Alan A. Paterson, Director, Centre for Professional Legal Studies,  
University of Strathclyde

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Louise Hayes  
Clerk of the Subcommittee



## MINUTES OF PROCEEDINGS

Meeting No. 11

Tuesday, November 22, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met by videoconference at 9:50 a.m. this day, in Room 701, La Promenade Building, the Chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Marc Lemay, Hon. Paul Harold Macklin, Richard Marceau, David J. McGuinty and Rob Moore.

*In attendance: Library of Parliament:* Robin MacKay, Analyst.

*Witnesses: As an Individual:* Alan A. Paterson, Director, Centre for Professional Legal Studies, University of Strathclyde.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

Alan Paterson made a statement and answered questions.

At 10:46 a.m., the Subcommittee adjourned to the call of the Chair.

Louise Hayes  
Clerk of the Subcommittee

2005/11/22 3:05 p.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair : Richard Marceau Lib. .

**Meeting No. 12**

**Tuesday, November 22, 2005**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

The Subcommittee proceeded to the consideration of matters related to Subcommittee business.

**MEMBERS OF THE SUBCOMMITTEE PRESENT:**

Joe Comartin,  
Marc Lemay,  
Hon. Paul Harold Macklin,  
Richard Marceau,  
Rob Moore  
and Vic Toews.

**IN ATTENDANCE:**

*Library of Parliament:*  
Philip Rosen, Principal;  
Robin MacKay, Analyst.

**WITNESSES:**

*Indigenous Bar Association:*

Jeffery Hewitt, President.

*Fédération des associations de juristes d'expression française de Common Law Inc.:*

Rénald Rémillard, Executive Director.

*Fédération des communautés francophones et acadienne du Canada:*

Diane Côté, Director, Community and Government Liaison.

Rénald Rémillard made a statement and, with the Diane Côté, answered questions.

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Louise Hayes  
Clerk of the Subcommittee

[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 12

Tuesday, November 22, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:34 p.m. this day, in Room 701, La Promenade Building, the chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Marc Lemay, Hon. Paul Harold Macklin, Richard Marceau, Rob Moore and Vic Toews.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst.

*Witnesses: Indigenous Bar Association:* Jeffery Hewitt, President. *Fédération des associations de juristes d'expression française de Common Law Inc.:* Rénald Rémillard, Executive Director. *Fédération des communautés francophones et acadienne du Canada:* Diane Côté, Director, Community and Government Liaison.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

Jeffery Hewitt made a statement and answered questions.

Rénald Rémillard made a statement and, with the Diane Côté, answered questions.

At 4:38 p.m., the sitting was suspended.

At 4:40 p.m., the Subcommittee resumed sitting *in camera*.

The Subcommittee proceeded to the consideration of matters related to Subcommittee business.

At 5:24 p.m., the Subcommittee adjourned to the call of the Chair.

Louise Hayes  
Clerk of the Subcommittee

2005/11/23 9:47 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Richard Marceau, PQ

**Meeting No. 13**

**Wednesday, November 23, 2005**

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**IN CAMERA**





## MINUTES OF PROCEEDINGS

Meeting No. 13

Wednesday, November 23, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 4:32 p.m. this day, in Room 371, West Block, the Chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Marc Lemay, Hon. Paul Harold Macklin, Richard Marceau, David J. McGuinty and Rob Moore.

*In attendance: Library of Parliament:* Robin MacKay, Analyst. *House of Commons:* Diane Diotte, Committee Clerk.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

The Subcommittee proceeded to the consideration of matters related to Subcommittee business.

The Subcommittee gave drafting instructions to the researcher for a report.

At 5:28 p.m., the Subcommittee adjourned to the call of the Chair.

Louise Hayes  
 Clerk of the Subcommittee

2005/11/24 10:44 a.m.

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HOUSE OF COMMONS OF CANADA  
38th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

**SUBCOMMITTEE ON THE PROCESS FOR APPOINTMENT  
TO THE FEDERAL JUDICIARY OF THE STANDING  
COMMITTEE ON JUSTICE, HUMAN RIGHTS, PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Richard Marceau, PQ

**Meeting No. 14**

**Monday, November 28, 2005**

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**IN CAMERA**





## MINUTES OF PROCEEDINGS

Meeting No. 14

Monday, November 28, 2005

The Subcommittee on the process for appointment to the Federal Judiciary of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 9:40 a.m. this day, in Room 371, West Block, the Chair, Richard Marceau, presiding.

*Members of the Subcommittee present:* Joe Comartin, Hon. Paul Harold Macklin, Richard Marceau, David J. McGuinty, Rob Moore and Vic Toews.

*In attendance: Library of Parliament:* Robin MacKay, Analyst. *House of Commons:* Diane Diotte, Committee Clerk. *As an Individual:* Annik Boutin, Translator.

Pursuant to the Order of Reference of June 7, 2005, the Subcommittee resumed consideration of the study on the process for appointment to the Federal Judiciary.

The Subcommittee commenced consideration of a draft report.

It was agreed, — That the report, as amended, be adopted.

It was agreed, — That the Chair, Clerk and researchers be authorized to make such grammatical and editorial changes as may be necessary without changing the substance of the report.

It was agreed, — That 100 copies, in bilingual format, be printed.

It was agreed, — That the Chair present the report, as amended, to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

At 10:00 a.m., the Subcommittee adjourned to the call of the Chair.

Louise Hayes  
Clerk of the Subcommittee

2005/11/28 3:54 p.m.

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